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EXAMINER

ENGLAND, DAVID E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2143

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,824

Applicant(s)

BEAMS ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 19 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. The limitation of claims 1 – 9 that state, “virtual university” is not disclosed in the specification to enable one of ordinary skill in the art to depict what a “virtual university” is or could be. The Applicant states that the “internet to a website associated with the virtual university such as www.vu.edu.” which could be assumed that the virtual university could be a website on a network device. Applicant is asked to confirm or deny this assumption with examples pointed to in the main body of the specification and the drawings.

5. The limitation of claims 5 and 10 – 19 that state, “virtual classroom” is not disclosed in the specification to enable one of ordinary skill in the art to depict what a “virtual classroom” is

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or could be. Applicant is asked to point to the main body of the specification and the drawings example that can directly support any definitions to the limitation of a “virtual classroom”.

6. The limitation of claims 5 and 15 that state, “a breakout room” is not disclosed in the specification to enable one of ordinary skill in the art to depict what “a breakout room” is or could be. Applicant is asked to point to the main body of the specification and the drawings example that can directly support any definitions or examples to the limitation of “a breakout room”.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 4, 6 – 14 and 16 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisendrath et al. (6347333) (hereinafter Eisendrath) in view of Podgorny et al. (6078948) (hereinafter Podgorny).

9. Referencing claim 1, as closely interpreted by the Examiner, Eisendrath teaches a method for establishing a virtual university, comprising the steps of:

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10. connecting a virtual university server and one or more users, (e.g. col. 1, line 65 – col. 2, line 9);
11. selecting a destination within the virtual university server to interact with the one or more users, (e.g. col. 6, lines 27 – 35);
12. coupling the one or more users through the virtual university server based on the selected destination, (e.g. col. 5, lines 50 – 58), but does not specifically teach establishing interaction parameters for the one or more users based on the selected destination.
13. Podgorny teaches establishing interaction parameters for the one or more users based on the selected destination, (e.g. col. 9, line 38 – col. 10, line 30). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Podgorny with Eisendrath because it would be more efficient for a system if the student identified themselves so to access information that could be private to only that or other specific students that have specific rights to the private information.
14. Referencing claim 2, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual student union where users can interact using a bulletin board or other collaborative functions, (e.g. col. 7, lines 18 – 24).
15. As per claim 3, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual library where a user can user resources and consult with a virtual librarian, (e.g. col. 2, lines 36 – 54).

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16. As per claim 4, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual administration office where a user can register for courses, search a directory, utilize a class locator, consult with the administration help desk, (e.g. col. 7, lines 18 – 24),

17. add a course, (e.g. col. 2, lines 23 – 35), drop a course, (e.g. col. 7, line 66 – col. 8, line 12), and utilize a career center, (e.g. col. 1, line 65 – col. 2, line 9).

18. As per claim 6, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a university directory that provides information on persons and entities associated with the university, (e.g. col. 6, lines 27 – 35).

19. As per claim 7, as closely interpreted by the Examiner, Eisendrath teaches tests are applied to the users, (e.g. col. 7, lines 1 – 10).

20. As per claim 8, as closely interpreted by the Examiner, Eisendrath teaches any two users can collaborate in the virtual university, (e.g. col. 8, lines 13 – 20 & col. 10, lines 56 – 60).

21. As per claim 9, as closely interpreted by the Examiner, Eisendrath teaches grades are distributed electronically, (e.g. col. 7, lines 34 – 42).

22. Claims 10 – 14 and 16 – 19 are rejected for similar reasons as stated above.

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23. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisendrath and Podgorny as applied to claim 1 above and, in further view of what is well known in the art.

24. As per claim 5, as closely interpreted by the Examiner, Eisendrath teaches the destinations include a virtual classroom where a user can learn, (e.g. col. 5, lines 50 – 58 & col. 6, lines 3 – 19),

25. view a directory of other students in a class, (e.g. col. 7, lines 43 – 57),

26. view materials, (e.g. col. 9, lines 57 – 63),

27. grades, (e.g. col. 8, lines 31 – 52),

28. announcements, (e.g. col. 8, lines 31 – 52),

29. homework, (e.g. col. 9, lines 57 – 63),

30. administer tests, (e.g. col. 7, lines 1 – 10),

31. ask questions of an instructor, (e.g. col. 7, lines 18 – 24),

32. review lectures, (e.g. col. 7, lines 18 – 24),

33. view the class schedule and view research topics, (e.g. col. 7, line 66 – col. 8, line 12 & col. 10, lines 27 – 36), but doesn't specifically teach enter a breakout room, review old tests.

34. Podgorny teaches a breakout room, (e.g. col. 5, lines 9 – 19). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Podorny with Eisendrath because letting students interact in other manners that does not require academic activities on the same program that has a plurality of different academic amenities allows a user

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to stay on the same web site and not have to log off and log onto the system again to find other means to break from academic work.

35. Podgorny does not specifically teach review old tests.

36. Although, Eisendrath and Podgorny do not specifically teach reviewing old tests, Eisendrath does state that an instructor and/or a user can post documents on the system for other users to view. It would be obvious that if a user can post any type of documents on the system, then the user can post documents like homework, events that are coming up, syllabus and even old tests for studying. An old test is just a label for a document, it has no special coding or configuring that would differentiate it from other types of documents that can be posted, (like homework or a syllabus).

37. Therefore, Examiner takes Official Notice (see MPEP § 2144.03) that " review old tests " in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states

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"Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

38. Claim 15 is rejected for similar reasons as stated above.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

40. a. Hakim U.S. Patent No. 6760748 discloses Instructional system grouping student terminals.

41. b. Helmick et al. U.S. Patent No. 6470171 discloses On-line educational system for display of educational materials.

42. c. Atkinson et al. U.S. Patent No. 6507726 discloses Computer implemented education system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De 


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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